

REMARKS

Claims 1-18 remain in the present application. Applicants respectfully request further examination and reconsideration of the rejections based on the arguments set forth below.

Claim Rejections – 35 U.S.C. §103

Claims 1-6

Claims 1-6 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over United States Patent Number 6,199,050 to Alaia et al. (hereafter referred to as "Alaia"). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-6 are not rendered obvious by Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 1 that recites an auction method for implementing automatic extension of an auction in response to bidding activity from auction participants comprising (emphasis added):

- a) setting an end time for concluding an auction;
- b) receiving bids from remote bidders via a distributed computing network;
- c) measuring a number of bids received within a predetermined time of the auction end time;
- d) if the measured number of bids exceeds a threshold number of bids, extending the duration of the auction automatically and setting a new auction end time, wherein said threshold number of bids is at least one bid; and
- e) notifying auction participants of the new auction end time.

Claims 2-6 depend from independent Claim 1 and recite further limitations to the claimed invention.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claim 1. As recited and described in the present application, the duration of the auction is extended if the bids received exceed a threshold number of bids. The threshold number of bids is at least one bid.

In contrast to the claimed embodiments, Applicants understand Alaia to teach commencing “overtime” upon the receipt of a *single* trigger bid (Figure step 530 of Figure 11; col. 11, lines 58-60; col. 13, lines 53-56). Although Applicants find no teaching in Alaia of a threshold number of bids which must be exceeded to trigger overtime, Applicants will presume for sake of argument that the threshold number of bids taught by Alaia is zero since zero bids is the only integer less than the one bid that Alaia teaches is required to trigger overtime. As such, Applicants respectfully submit that Alaia teaches away from the claimed embodiments by teaching a bid threshold of zero bids instead of a bid threshold of at least one bid as claimed.

Although page 3 of the rejection states that “Alaia at least suggests that the threshold number of bids is at least one bid,” Applicants fail to find any such suggestion in Alaia and respectfully request that the Examiner cite a portion of Alaia to support this statement. Furthermore, Applicants respectfully assert that

Alaia teaches away from such a suggestion. For example, Figures 9A and 9B of Alaia teach commencing “overtime” immediately following the receipt of a single bid during the trigger period (line 48 of col. 11 to line 18 of col. 12). As such, Alaia teaches that the threshold number of bids to be exceeded is *zero* since a single bid triggers overtime instead of *at least one bid* as claimed.

For these reasons, Applicants respectfully submit that independent Claim 1 is not rendered obvious by Alaia, thereby overcoming the 35 U.S.C. §103(a) rejection of record. Since dependent Claims 2-6 recite further limitations to the invention claimed in independent Claim 1, Claims 2-6 are also not rendered obvious by Alaia. Therefore, Claims 1-6 are allowable.

Claims 7-14

Claims 7-14 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over Alaia in view of eBay Help Basics, Frequently Asked Questions on Bidding (hereafter referred to as “eBay”). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 7-14 are not rendered obvious by Alaia in view of eBay for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 8 that recites an auction method for implementing dynamic automatic extension of an auction in response to bidding activity from auction participants comprising (emphasis added):

- a) setting a start time and an end time for an auction;
- b) receiving bids from remote bidders via a distributed computing network;
- c) setting a minimum bid difference at which a succeeding bid must differ from a preceding bid from the remote bidders;
- d) measuring a number of bids received within a predetermined time of the auction end time;
- e) if the measured number of bids exceeds a threshold number of bids, extending the duration of the auction automatically and setting a new auction end time, wherein said threshold number of bids is at least one bid; and
- f) notifying auction participants of the new auction end time.

Independent Claim 1 recites limitations similar to independent Claim 8. Claims 7 and 9-14 depend from their respective independent Claims and recite further limitations to the claimed invention.

As discussed above with respect to independent Claim 1, Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claims 1 and 8.

Additionally, although page 6 of the rejections states that Alaia teaches variable overtime triggers, Applicants respectfully submit that such a teaching does not amount to a teaching that a bid threshold is at least one bid as claimed. For example, Alaia teaches that a variable overtime trigger “is bid-related, in that it involves an evaluation of some attribute or attributes of a bid against one or more trigger criteria” (col. 13, lines 53-56). Applicants respectfully submit that Alaia’s teaching of “bid-related” and “attribute or attributes of a bid” teaches a *single* bid. Accordingly, as discussed above with respect to independent Claim 1, Applicants respectfully submit that Alaia teaches away from the claimed

embodiments by teaching a bid threshold of zero bids which may be exceeded by the *single* trigger bid instead of a bid threshold of at least one bid as claimed.

Further, although page 6 of the rejections states that Alaia teaches “[o]vertime was triggered if the price of a new bid submitted within the appropriate interval was lower than the current best bid” (col. 13, lines 59-61), Applicants respectfully submit that such a teaching does not amount to a teaching that a bid threshold is at least one bid as claimed. For example, Alaia is silent with respect to whether the “current best bid” is also within the “appropriate interval.” Further, Alaia teaches that the “current best bid” is not within the “appropriate interval” by teaching that the “current best bid” B is *outside of the trigger period* from t5-t6 (Figure 9A; col. 11, lines 54-58). Accordingly, Applicants reiterate that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claims 1 and 8.

Applicants respectfully submit that eBay, either alone or in combination with Alaia, fails to cure the deficiencies of Alaia discussed above. More specifically, Applicants respectfully submit that eBay, either alone or in combination with Alaia, also fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claim 1 as discussed above, and similarly recited in independent Claim 8.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is dynamically adjustable during said auction” as recited in Claim 13, and similarly recited in Claims 9 and 14. As recited and described in the present application, the threshold number of bids is dynamically adjustable during the auction.

In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Alaia of dynamically adjusting the threshold number of bids as claimed. Further, Applicants fail to find any teaching or suggestion in Alaia of dynamically adjusting the threshold number of bids *during the auction* as claimed. Accordingly, Applicants reiterate that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is dynamically adjustable during said auction” as recited in Claim 13, and similarly recited in Claims 9 and 14.

Although page 7 of the rejection states that Alaia teaches that “[d]ecision rules can be set dynamically during the course of the bidding event by the bidder,” Alaia teaches that the decision rules for overtime triggering do not involve altering a threshold number of bids as claimed (col. 14, lines 10-22). Therefore, setting a decision rule as taught by Alaia is not analogous to altering a bid threshold as claimed. Thus, even if Alaia teaches dynamically setting a decision rule during a bidding event, Alaia still fails to teach or suggest a threshold number of bids which is dynamically adjustable during an auction as claimed.

Applicants respectfully submit that eBay, either alone or in combination with Alaia, fails to cure the deficiencies of Alaia discussed above. More specifically, Applicants respectfully submit that eBay, either alone or in combination with Alaia, also fails to teach or suggest the limitations of "wherein said threshold number of bids is dynamically adjustable during said auction" as recited in Claim 13, and similarly recited in Claims 9 and 14.

For these reasons, Applicants respectfully submit that independent Claims 1 and 8 are not rendered obvious by Alaia in view of eBay, thereby overcoming the 35 U.S.C. §103(a) rejection of record. Since dependent Claims 7 and 9-14 recite further limitations to the invention claimed in their respective independent Claims, Claims 7 and 9-14 are also not rendered obvious by Alaia in view of eBay. Therefore, Claims 7-14 are allowable.

Claims 15-18

Claims 15-18 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over United States Patent Number 6,704,713 to Brett (hereafter referred to as "Brett") in view of Alaia. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 15-18 are not rendered obvious by Brett in view of Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 15 that recites an auction method of automatically extending an auction comprising (emphasis added):

setting an end time for concluding an auction;
receiving bids from remote bidders via a distributed computing network;
measuring a rate at which incoming bids are received;
if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time; and
notifying auction participants of the new auction end time.

Claims 16-18 depend from independent Claim 15 and recite further limitations to the claimed invention.

Applicants respectfully submit that Brett fails to teach or suggest the limitations of “if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time” as recited in independent Claim 15. As recited and described in the present application, a rate of received bids is measured. If the measured rate of incoming bids exceeds a predetermined threshold, then the duration of the auction is automatically extended and a new auction end time is set.

In contrast to the claimed embodiments, Applicants understand Brett to teach holding an auction open until a bidding rate drops below a threshold (col. 13, lines 15-30). Therefore, Brett teaches that a new end time is not set, and instead, that the auction ends once the bidding rate drops below the threshold. Therefore, Brett teaches away from the claimed embodiments by teaching that a

new end time is not set instead of setting a new end time for an auction as claimed.

Applicants respectfully submit that Alaia, either alone or in combination with Brett, fails to cure the deficiencies of Alaia discussed above. More specifically, Applicants respectfully submit that Alaia, either alone or in combination with Brett, also fails to teach or suggest the limitations of "if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time" as recited in independent Claim 15.

For these reasons, Applicants respectfully submit that independent Claim 15 is not rendered obvious by Brett in view of Alaia, thereby overcoming the 35 U.S.C. §103(a) rejection of record. Since dependent Claims 16-18 recite further limitations to the invention claimed in independent Claim 15, Claims 16-18 are also not rendered obvious by Brett in view of Alaia. Therefore, Claims 15-18 are allowable.

CONCLUSION

Applicants respectfully submit that Claims 1-18 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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